

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

CARLTON AKI STANT,
Bar No. 031879

Respondent.

PDJ 2019-9017-PV

**ORDER OF REPRIMAND WITH
PROBATION**

[State Bar Nos. 17-3824 & 18-1443]

FILED MAY 1, 2019

The State Bar filed a Notice of Non-Compliance with probation (“Notice”) on April 3, 2019. *See* Rule 60(a)(5)(C), Ariz. R. Sup. Ct. There were four exhibits attached. Mr. Stant filed no response. The matter was heard on April 30, 2019. Bar Counsel Bradley F. Perry appeared for the State Bar. Mr. Stant appeared representing himself.

Findings of Fact Regarding the Procedural History

On November 20, 2018, the Attorney Discipline Probable Cause Committee found Mr. Stant in violation of ER 1.3 (Diligence), ER 1.4, (Communication) and ER 8.1(b) (False statement of material fact in disciplinary matter) in SBA No. 17-3824. He was found to have violated ERs 1.3, (Diligence), ER 1.4, (Communication), and ER 1.16 (Declining or Terminating Representation) in SBA

No. 18-1443. An Order of Admonition was entered against him and he was placed on probation for two years. The Order stated Mr. Stant “shall contact the State Bar Compliance Monitor...within ten (10) days from the date of service of this Order, to schedule an assessment.” The Order cautioned Mr. Stant that if he failed to comply with its terms that Bar Counsel “shall report materials violations to the Presiding Disciplinary Judge...who may hold a hearing and determine if an additional sanction should be imposed.” [Ex. 1; Rule 60(a)(5)(C).]

Non-Compliance Findings of Fact

Mr. Stant did not try to comply with the Order of Admonition. He admits he received the Order, knew the requirements it imposed on him, and that he failed without good reason to comply. Based on the admissions and the exhibits, the State Bar called no witnesses.

Five weeks after the deadline to initially comply had passed, the State Bar Compliance Monitor emailed Mr. Stant reminding him he had failed to contact the provider and schedule the required appointment. [Ex. 3.] Four weeks later, the State Bar Compliance Monitor reminded him again of his failure to comply with the Order. [Ex. 4.] He never responded. Four weeks later, the Compliance Monitor verified with the evaluator that no assessment had been scheduled by Mr. Stant independent of the compliance monitor. No assessment had been attempted to be

scheduled. [Ex. 5.] Mr. Stant accepted responsibility for his failings and acknowledged there was no excuse for his inaction.

IT IS ORDERED finding Carlton Aki Stant violated the Order of Admonition by failing to contact the State Bar Compliance Monitor to schedule an assessment.

Discussion

Imposing probation in disciplinary proceedings is not token punishment. Attorney discipline is rehabilitative. Mr. Stant was admonished for two separate charges, each of which included a failure of diligence and communication among other failings.

As a rehabilitative effort, probation aids in the objective measurement of the individual. No small part of any probationary period is to observe and assist in reducing the incidence and probable impact of the behaviors of a respondent that violate conduct requirements, including ethical rules. No individual has a right to probation. If a probationer fails or refuses to participate, the issue narrows to a greater focus on the risk to the public and the profession. A failure to adhere to terms of probation increases the potential of stronger sanctions. Mr. Stant violated the clear terms of the Admonition and as a result, went unsupervised and unassessed.

Lawyers hold a unique position in the law. Their actions and inactions impact the public's view, not only of the profession, but of justice, the need for law or even an orderly society. In that perspective, the fact of Mr. Stant failing to follow his

probation terms are analyzed. The fundamental term of probation was violated. Failing to have his assessment done and probation terms in place put the public at risk, damages the profession and the public's perception of the profession. A reprimand is entered in place of the admonition.

Ruling

IT IS ORDERED finding Mr. Stant has violated his terms of probation and issuing a reprimand in place of his admonition for that conduct.

IT IS FURTHER ORDERED placing Mr. Stant on two years of probation under the terms and conditions previously entered by the Order of Admonition incorporated by reference. Those terms shall commence upon his contacting the State Bar Compliance Monitor as previously ordered. Mr. Stant is reminded that under those incorporated terms he shall contact the State Bar Compliance Monitor at (602) 340-7258 within ten (10) days of this order.

NON-COMPLIANCE LANGUAGE

If Mr. Stant fails to comply by either failing to comply with the incorporated terms of the admonition or adhering to the probation terms entered thereafter and such information is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within thirty (30) days to determine whether a term of probation has been breached

and, if so, to recommend a sanction which may include a long-term suspension. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

DATED this 30th day of April 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copy of the foregoing mailed/emailed
this 1st day of May 2019, to:

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